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File No. Poisons II/42

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Legal **DEPARTMENT**

B. **BRANCH**

Subject:—

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Rules and Notifications

under the

Poisons Act, 1894.

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S.C.- 3/5.

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...ue copy - original papers being of bad quality - destroyed."

Office of the R.L.A.

Superintendent,
D Branch, Legal Department

A revised draft notification is sent herewith.

Id. P.N.M 7/24

Remembrancer of Legal Affairs.

U.R. to H.D. No. 3498 dated the 23rd April 1942.

Sd.
22-4.

S.C.
2nd May 1956.

NOTIFICATION

Home Department

Bombay Castle 1941.

Prisons Act, IX of 1804.

No.5503/4.- In exercise of the powers conferred by clause (5) of section 59 of the Prisons Act, 1804 (IX of 1804), the Government of Bombay is pleased to amend the rules contained in Part I of the Bombay Jail Manual (Revised Edition, 1927), as follows, namely.-

(1) For rule 721 of the said Rules, the following rule shall be substituted, namely

"721. Ordinary remission under rule 717 and in the case of convict overseers and night watchmen under rule 718, shall be respectively calculated from the first day of the calendar month next following the date of the prisoner's sentence and of his appointment as a convict overseer or night watchmen . A prisoner who is sentenced or appointed as a convict overseer or a night watchmen on or before the 15th of a month shall also be entitled to earn half the remission for the month in which he is sentenced or appointed, as the case may be.

Any prisoner who has been released on bail or whose sentence has been temporarily suspended shall on his re-admission to jail be credited with any remission he may have earned previous to his release on bail or the suspension of his sentence and be brought under the remission system again from the first day of the calendar month next following the re-admission. A prisoner who is readmitted on or before the 15th of a month shall [illegible]

S.C.

—tled to earn half the remission for that month.

(2) For Rule 726 of the said Rules, the following rule shall be substituted, namely.-

"726. No prisoner shall be granted ordinary remission for the month inwhich he is releeased : provided that when a prisoner is released ener after the 15th of a month, he shall be entitled to earn half the remission for that month.

Note.- For the purposes of calculating remission under this rule, a fraction of a day shall be taken as equivalent to one day."

By order of the Governer of Bombay.

Secretary to Government.

S.C.

2nd May 1956.

Office of the R.T.A.

A revised draft notification is appended.

The notification is recast from the drafting point view. Clause A(ii) of the draft Rule 203A proposed by the H.D. (p. 11 ante) provides that the cane must not exceed half an inch in diameter. This is inconsistent with section 53(2) of the Prisons Act, 1894, which requires that it should be a light rotan not lessthan half an inch in diameter. The revised rule, therefore provides th it should be half an inch in diameter. H.D. should consid whether this carries out its intention.

P.N. Moos.
Sd. / 28/5.
Remembrancer of Legal Affai

U.R. to H.D. NO. 4427, dated 29th May 1942.

Office of the R.L.A.

A revised draft notification is sent herewith. The notification is proposed to be issued under clause (5) of section 59 of Prisons Act, 1894 in respect of sub-jail No such notification can be issued unless a rule is made under clause (26) of the section extending the provisions of clause (5) of the said section to sub-jails (of R.L.A.'s U.R. to R.D. 1315, dated 19th December 1939) It is presumed that such a rule is already made. If so, such rule is made, it will be necessary to make one. the notification by which it is made should be referred to in the preamble of the revised draft notification . If no such rule is made, it will be necessary to make one. In that case, a notification will have to be issued in respect of the whole of rule 168 with the proposed amendment as also rule 169.

2. The Home Department have omitted the latter portion of the revised clause (e) on the suggestion of the Inspector General Prisons that the new portion is unnecessary. The reason given by the Inspector General of prisons is that remission is always given in respect of the part of the month spent in any jail before transfer to a sub-jail including the period of transit. That may simply means that that is the practice in the jail Department. But unless a provision is made as proposed in the latter part of clause (e), there will be no authority for such practice. The provision is therefore necessary and has been retained in the revised draft.

3. The provision contained in the concluding sentence of clause (e) of the H.D. draft is however not necessary. Such a provision should be made in the corresponding rule in the jail Manual by amending rule 721.

Sd. P.N. Moos 21/8
Remembrancer of Legal Affairs.

S.C.,

U.R. to H.D. No.6978, dated the 27th August 1942.

NOTIFICATION
Home Department

Bombay Castle, 1941.

Prisons Act, 1894 (IX of 1894)

No. In exercise of the powers conferred by clause (1) of section 59 of the Prisons Act, 1894 (IX of 1894) read with the rule made by the Provincial Government under Government Notification, Home Department No. × dated the 1942, the Government of Bombay is pleased to amend the rules contained in the sub-jail Manual, 1928, as follows, namely.-

To be filled in

In rule 168 of the said rules -

(1) for clause (e), the following shall be substituted, namely.-

(e) remission shall be calculated from the first day of the calendar month next following the date of the prisoner's admission. A prisoner who is admitted on or before the 15th of a month shall also entitled to earn half the remission for month is which he is admitted. In the case of a prisoner transferred from a prison to a sub-jail, while undergoing imprisonment the period spent by him in the prison month of transfer shall be Computed along with the period spent in the sub-jail in that month for calculating remission to him for that month.

(ii) to clause (f) the following shall be added, namely.-

"rovided that when a prisoner is on or after the 15th of a month he shall be entitled to earn half the remission for that month.

S.C.

(iii) after clause (h) the following shall be inserted, namely.-

Note.- For the purpose of calculating remission under this rule, a fraction of a day shall be taken as equivalent to one day.*

By order of the Governor of Bombay.

Secretary to Government

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Office of the R.L.a.

A revised draft notification in sent herewith.

2. The xix attention of H.D. is invited to the provisions of section 61 of the Prisons Act, 1894.

P.N. Moos.

SA.
21-10

Remembrancer of Legal Affairs.

U.R. to R.D. No. 7635, dated the 22nd September 1942.

S.C.
2nd May 1956.

15A

NOTIFICATION

Home Department

Prisons Act, 1894.

Bombay Castle, August 1927

No. 6063/4 .- In exercise of the powers conferred by clause (10) of Section 59 of the Prisons Act. 1894.(IX of 1894) The Government of Bombay is pleased to amend the rules contained in Part I of the Bombay Jail Manual (Revised edition, 1927), as follows. namely.-

For rules 39 and 40 of the said rules the following shall be substituted, namely.-

" 39.- He shall not leave the station or make over charge of the prison re any person for any period over twenty-four ~~hours~~ hours without having obtained the previous sanction of the Inspector General of Prisons to such a procedure. The Inspector General of Prisons may permit the superintendent to hand over charge of his executive duties to the Jailer and of his medical duties, if he is also Medical office to the Subordinate Medical Service officer, This Rule does not apply to chantes of apointment ordered by Government.)

40.- In places where the civil surgeon is Superintendent of the Prisons, and he has to proceed on tour or on casual leave he may hand over charge of his administrativ jail duties to the Jailer ~~and of his medical jail duties to the~~ Jailer and of his medical jail duties to the Subordinate Medical Service Officer, and shall report his departure and return to the Inspector General of prisons."

By order of Government of Bombay.

Secretary to Government.

NOTIFICATION

Home Department.

Bombay Castle, 1942.

Prisons Act, 1894.

No. .- In exercise of the powers conferred by clauses (27) and (29) of section 59 of the Prisons Act, 1894 (IX of 1894) the Government of Bombay is pleased to amend the rules contained in Part I of the Bombay Jail Manual (Revised edition, 1927), as follows, namely.-

In rule 302 of the said rules for the words beginning with the words "in the absence of " and ending with the words "was reversed" the words "commenced from the date on which it was awarded " shall be substituted.

be deemed to have

By order of the Governor of Bombay.

Secretary to Government.

2nd May 1956.

Office of the R.T.A."

A revised draft notification is now sent herewith.

3. According to the High Court's ruling in the case of "Imperator Vs. Babibai" where there are two sentences, the second xketo commence on the expiration of the first and the first is set aside, the second sentence must commence from the date of conviction. That is from the date onwhich it was awarded (see section 383 of the Criminal Procedure Code). The xxrevised draft xxxtxt notification therefore refers to the date onwhich the second sentence was awarded.

Sd. P.N. Moos 3/5
Remembrancer of Legal Affairs.

U.R. to H.D. No. 7955 dated the 1st Oct. 1949.

S.E.
2nd May 1950.

NOTIFICATION

Home Department

Bombay Castle, October 1942.

Prisons Act, 1894.

No. .- In exercise of the powers conferred by clause (2b) of section 59 of the Prisons Act, 1894 (IX of 1894) the Government of Bombay is pleased to amend the rules for the appointment and guidance of visitors of prisons, published in Government Notification in the Home Department No. 0180/3-IV(A) dated the 1st February 1940, as follows, namely.-

In rule 350 of the said rules

(a) in sub-rule (b) before the words "eight" "five" and "two" the words "not more than" shall be inserted; and

(b) in sub-rule (7) for the words "term of the words" period not exceeding " shall be substitut

By order of the Governor of Bombay

Secretary to Government.

S.C.

2nd May 1956.

Office of the R.L.A.

A revised draft notification is sent herewith

Id. P.N.M 14/10
Remembrancer of Legal Affairs,

U.R. to H.D. No. 8318 dated the 14th October 1942.

// Sd. 14/10

S.C.- 3/5.

a Revised draft notification is appended.

2. It is not necessary to provide in the rule why it is ~~xxix~~ necessary to alter the dietary. The reference therefore in the H.D. draft to the non-availability or local scarcity of commodities has been omitted in the revised draft.

3. It is necessary that the notification should be signed as required by rule ~~88~~ 13 of the Rules of Business by the Secretary, the Deputy Secretary, the Under Secretary or the Assistant Secretary in his official capacity as Secretary, Deputy Secretary, Under Secretary or Assistant Secretary and not by any officer for Secretary as proposed in the H.D. draft on page 9 ante (~~xx~~ cf. I.L.R. 50 Cal. 135).

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Sd. P.N. Rees

Remembrancer of Legal Affairs

U.R. to H.D. No. 484 Confl. dated the 31st October 1942

S.C.
2nd May 1956.

NOTIFICATION

Home Department

Bombay Castle, 1942.

Prisons Act, 1894.

No. .- In exercise of the powers conferred by clauses (11) and (27) of section 59 of thePrisons Act, 1894 (IX of 1894), the Government of Bombay is pleased to amend the rules contained in Part I of the Bombay Jail Manual, (Revised Edition, 1922), as follows, namely.-

To The said rules in Chapter XXXVI the following new rule shall be added, namely.-

"881-A. Notwithstanding anything contained in this Chapter, Superintendents may, during the continuance of the present war, alter the dietary of theprisoners to such extent and in such manner as they think fit. Superintendents shall as soon as practicable report every alteration made by them under this rule tothe Inspector General."

By order of the Governor of Bombay,

Secretary to Government.

S.C.
3rd May 1956.

Office of the R.L.A.

A revised draft notification is sent herewith It omits specific reference to clause (21) of section 59 of the Prisons Act in order to make the rule fall under clause (28) also. Clause (24) which provides for regulating interviews but not for prohibiting them can properly be related to cases where the privilage of interviews is granted by the Act. The only provision in the Prisons Act which allows interviews to prisoners to section 40 which requires the provision to be made for the admission into every prison of persons with whom civil or unconvicted prisoners may desire to communicate* etc. There is thus no provision in the Act which prevents Government from providing by a rule (made under clause (28) of section 59) that a convicted prisoner may not be granted interview. The revised rule therefore refers only to convicted prisoners, and would be intravires in respect of such prisoners. It is presumed that it is not intended to make the new rule apply to civil or unconvicted prisoners.

Sd/- P.N.M./ 23/12
Remembrancer of Legal Affairs

U.R. to H.D. No. 567 Confl. dated the 24th December 1942.

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A.S.
D.S.
R.L.A.

S.C./3-5

NOTIFICATION.
Home Department
Bombay Castle, 194

Prisons Act 1894.

No. 6367/4.- In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (IX of 1894) the Government of Bombay is pleased to amend the rules contained in Part I of the Bombay Jail Manual (Revised Edition, 1927) as follows, namely,-

Th Chapter XI of the said rules the rollowing rule shall be added, namely.-

"470A. Notwithstanding anything contained in this Chapter the Provincial Government may a any time direct that any convicted prisoner or class ofconvicted prisoners shall not be allowed the privilege of interview."

By orderof the Governer of Bombay

Secretary to Government.

S.C./3/5